

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CHOCOLATE	:	MDL DOCKET NO. 1935
CONFECTIONARY ANTITRUST	:	(Civil Action No. 1:08-MDL-1935)
LITIGATION	:	
<hr/>	:	(Judge Conner)
	:	
THIS DOCUMENT APPLIES TO:	:	
	:	
ALL CASES	:	

ORDER

AND NOW, this 1st day of October, 2009, upon consideration of direct purchaser plaintiffs' motion (Doc. 396) to reconsider and vacate Paragraphs 2.a.vi and 3 of Case Management Order No. 5 (Doc. 387), which require plaintiffs to transmit to defendants monthly cost reports enumerating "all tasks performed[,] . . . the number of hours expended on each task, the ordinary billing rate of the individual(s) responsible for it, and the total cost of its completion," (see id. ¶ 3), and the court recognizing that it has the inherent power to reconsider its interlocutory orders "when it is consonant with justice to do so," United States v. Jerry, 487 F.2d 600, 605 (3d Cir. 1973); Alea N. Am. Ins. Co. v. Salem Masonry Co., 301 F. App'x 119, 121 (3d Cir. 2008), and for the reasons set forth during the in-court proceeding conducted on September 29, 2009, it is hereby ORDERED that:

1. The motion (Doc. 396) to reconsider is GRANTED as follows:
 - a. Paragraph 3 of Case Management Order No. 5 (Doc. 387) is VACATED.

- b. Paragraph 2.a.vi of Case Management Order No. 5 (Doc. 387) is STRICKEN and replaced with the following: Preparing quarterly cost summaries that comport with the guidelines set forth by the court during the September 29, 2009 hearing. These summaries shall be submitted to the court for review *in camera*.
2. Lead counsel for each plaintiff group shall submit the first quarterly cost report via United States mail on or before December 1, 2009.
3. All other provisions of Case Management Order No. 5 shall remain in effect except as modified herein.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge